

Message Text

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ACTION SCSE-00

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FM AMEMBASSY ATHENS
TO SECSTATE WASHDC PRIORITY 1367
INFO AMCONSUL THESSALONIKI

UNCLAS ATHENS 6115

FOR SCS

E.O. 11652: N/A
TAGS: CARR
SUBJECT: LEGAL REPRESENTATION AVAILABLE TO AMERICANS
ARRESTED IN GREECE

REF: STATE 147704

1. THERE IS NO PUBLIC DEFENDER SYSTEM OF LEGAL COUNSEL AVAILABLE IN GREECE. UNDER GREEK LAW, REPRESENTATION BY LEGAL COUNSEL IS MANDATORY ONLY IN CRIMINAL PROCEEDINGS. A DEFENDANT MAY BE TRIED BEFORE A MISDEMEANORS COURT, NOT CONSIDERED CRIMINAL COURT, WITHOUT COUNSEL FOR HIS DEFENSE. BEFORE FIVE-MEMBER COURT OF APPEALS OR BEFORE A CRIMINAL COURT, A DEFENDANT MUST BE DEFENDED BY COUNSEL AT TRIAL.

2. UPON PETITION OF DEFENDANT UNABLE TO SECURE LEGAL ASSISTANCE DUE TO LACK OF FUNDS, THE BAR ASSOCIATION OF THE CITY WHERE THE TRIAL WILL TAKE PLACE WILL APPOINT A LAWYER FOR DEFENSE AT THE TIME OF THE TRIAL. IF DEFENDANT FAILS TO MAKE SUCH A PETITION, AT THE OPENING OF THE TRIAL, THE COURT WILL APPOINT AS COUNSEL A LAWYER PRESENT IN THE COURTROOM. ALTHOUGH THE LAWYER SO APPOINTED MAY BE EFFECTIVE AND EXPERIENCED, UNDERSTANDABLY HE DOES NOT HAVE SUFFICIENT TIME TO INVESTIGATE CIRCUMSTANCES OF CASE, SECURE
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WITNESSES, OR TO PROPERLY PREPARE THE DEFENSE. IT IS THE EMBASSY'S OPINION THAT QUALITY OF SUCH CASUAL LEGAL ASSISTANCE CANNOT COMPARE FAVORABLY WITH QUALITY OF PAID PRIVATE COUNSEL.

3. AS THE FOREGOING APPLIES TO ALL OF GREECE, THE CONTENTS OF THIS TELEGRAM HAVE THE CONCURRENCE OF AMCONSUL THESSALONIKI WHICH WILL NOT MAKE A SEPARATE REPLY.

KUBISCH

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Message Attributes

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